

### **REMARKS**

Applicant has carefully reviewed and considered the Final Office Action mailed on January 13, 2006, and the references cited therewith.

Claims 1, 7, 14, 21, 27, and 34 are amended, and no claims are canceled or added; as a result, claims 1-37 are now pending in this application.

Applicant gratefully acknowledges commentary provided in the Response to Arguments section of the present Office Action. Accordingly, Applicant has endeavored to amend the independent claims of the present disclosure to incorporate features present in the specification as originally filed that were not previously recited in the claims.

#### **§ 102 Rejection of the Claims**

Claims 1-37 were rejected under 35 USC § 102(b) as being anticipated by Smith et al (U.S. Patent No. 5,267,322). Applicant respectfully traverses the rejection as follows.

With regard to independent claim 1, as amended, the Smith reference appears to describe, “a voice messaging system under control of the controller”. (Col. 3, lines 61-62). The reference does not show a gain adjustment module including program instructions to adjust the power level of the outgoing voice signal stream by applying the gain value to the outgoing voice signal stream to operate within compliance of a Public Switched Telephone Network (PSTN).

In contrast, Applicant’s independent claim 1, as amended, recites:

a gain adjustment module including program instructions to adjust the power level of the outgoing voice signal stream by applying the gain value to the outgoing voice signal stream to operate within compliance of a Public Switched Telephone Network (PSTN).

Independent claim 7, as amended, recites:

a gain factor setting module coupled to the gain adjustment module wherein the gain factor setting module includes program instructions to set the gain value by comparing the measured power level to a threshold to operate within compliance of a Public Switched Telephone Network (PSTN).

Independent claim 14, as amended, recites:

means for adjusting a power level of the voice signal stream to operate within compliance of the PSTN;

Independent claim 21, as amended, recites:

adjusting the power level of the outgoing voice signal stream based on the comparison to operate within compliance of a Public Switched Telephone Network (PSTN).

Independent claim 27, as amended, recites:

adjusting the power level of the outgoing voice signal stream based on the comparison to operate within compliance of a Public Switched Telephone Network (PSTN).

In addition, independent claim 34, as amended, recites:

gradually adjusting the power level of the outgoing voice signal stream over time based on the comparison to bring the power level toward a target output level to operate within compliance of a Public Switched Telephone Network (PSTN).

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 7, 14, 21, 27, and 34, as previously presented, is not present in the Smith reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection of independent claims 1, 7, 14, 21, 27, and 34, as well as those claims that depend therefrom.

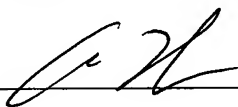
**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Tuan V. Ngo at (408) 447-8133.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

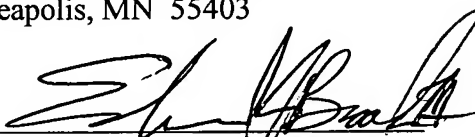
**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS RCE Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 12<sup>th</sup> day of May, 2006.

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